IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

S.B.CIVIL WRIT PETITION NO.4742/1993.

Nathu Lal. **VERSUS** The Board of Revenue & Another.

11.09.2006.

HON'BLE MR.JUSTICE DALIP SINGH

Mr.S.S.Hasan, for the petitioner.
Mr.Ravi Kasliwal, for the respondents.

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This writ petition has been filed by the defendant-petitioner challenging the judgment of the Board of Revenue dated 12.05.1993 whereby the learned Board of Revenue has upheld the judgment of the learned Revenue Appellate Authority who has dismissed the appeal filed by the petitioner and accepted the appeal of the respondent vide a common judgment dated 26.05.1987.

Learned Revenue Appellate Authority had come to the conclusion on basis of the evidence produced before it and it has given a finding that so far Khasra Nos.211 and 213 are concerned, the same have been recorded jointly with half share each in the name of Dhanna Lal, the respondent and Nathu Lal, the petitioner. As such, so far as the finding with regard to Khasra Nos.211 and 213 are concerned, there is no challenge to the same.

The learned Revenue Appellate Authority further came to the conclusion while allowing the appeal filed by Dhanna Lal that so far as Khasra No.293 is concerned, Dhanna Lal has purchased the same by means of sale-deed (Exhibit-2) from one Nanda son of Bishana and, therefore, held that so far as Khasra No.293 in village Chousla is concerned, for the same Dhanna Lal, the respondent is entitled to khatedari of the same exclusively to the exclusion of Nathu Lal, petitioner herein, as Dhanna Lal purchased the same in his own name alone.

As regard Khasra No.289 in village Chousla is concerned, learned Revenue Appellate Authority has come to the conclusion that the same had been given by the Ram Narayan to Dhanna Lal and as such the same was recorded exclusively in the name of Dhanna Lal to the exclusion of Nathu Lal. It assumes importance in view of the fact that Dhanna Lal respondent came along with his mother who was married to Heera Lal, father of the petitioner, being a son of Heera Lal's wife from previous marriage and the aforesaid land was given to Dhanna Lal by Ram Narayan on account of the aforesaid fact. The said entries were also made consequently on the aforesaid basis.

The above findings have been arrived at by the learned Revenue Appellate Authority on the basis of the evidence produced by the parties and as such, the same cannot be interfered with in writ jurisdiction under Article 226 of the Constitution of India more particularly when the learned Board of Revenue has concurred with the aforesaid findings in its impugned judgment.

The submission of the learned counsel for the petitioner that initially the case which had been set up by Dhanna Lal before the trial court was on account of the fact that Dhanna Lal claimed to be the son of Heera Lal which was not found to be true by the findings arrived at by the learned trial court. Be that as it may, suffice it to say that the findings of fact, which have been mentioned hereinabove and which were recorded by the learned Revenue Appellate Authority are based upon the evidence which has come on the record. The aforesaid evidence and the facts mentioned hereinabove have not been disputed.

In view of the aforesaid, I find no good ground to interfere with the orders passed by the learned courts below.

Consequently, this writ petition as well as the stay application are dismissed summarily. The record which has been received be returned to the trial court forthwith.

(DALIP SINGH),J.

Solanki DS, Jr.P.A.